

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To: ROBERT C. HYTA WELL ST. JOHN, P.S. 601 WEST FIRST STREET, SUITE 1300 SPOKANE, WA 99201-3828

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference		Date of mailing (day/month/year) 14 SEP 2005
PC3-157		FOR FURTHER ACTION See paragraph 2 below
International application No.	International filing date (day/month/year)	Priority date (day/month/year)
PCT/US05/03433	28 January 2005 (28.01.2005)	30 January 2004 (30.01.2004)
International Patent Classification (IPC) or both national classification and IPC		
IPC(7): C11D 3/37; C07C 17/00, 19/08, 21/18, 22/08 and US Cl.: 510/475, 535; 570/123, 125, 126, 127, 138		
Applicant		
PCBU SERVICES, INC.		

1. This opinion contains indications relating to the following items:

EV8520-5330

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Date of completion of this opinion 31 August 2005 (31.08.2005)	Authorized officer Brian P. Mruk Telephone No. (571) 272-1700
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Form PCT/ISA/237 (cover sheet) (April 2005)

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/03433

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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**WRITTEN OPINION OF THE
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International application No.
PCT/US05/03433

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO
Inventive step (IS)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO
Industrial applicability (IA)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO

2. Citations and explanations:

Claims 1-5, 8, 11, 19, 23-24, 35-41, 44, 47, 55, 59-60, 71-72, 75, 78, 81 and 85-86 lack novelty under PCT Article 33(2) as being anticipated by Knell et al, U.S. Patent No. 3,843,735.

Knell et al, U.S. Patent No. 3,843,735, discloses 3-perfluoroalkyl-1 propenes of the formula $R_1CH_2CH=CH_2$ (see abstract and col. 1, lines 1-5). Specifically, note preparation Example 8, which discloses a compound that meets the requirements of the instant invention. Therefore, instant claims 1-5, 8, 11, 19, 23-24, 35-41, 44, 47, 55, 59-60, 71-72, 75, 78, 81 and 85-86 are anticipated by Knell et al, U.S. Patent No. 3,843,735.

Claims 1-4, 35-40 and 71-72 lack novelty under PCT Article 33(2) as being anticipated by Krespan et al, U.S. Patent No. 5,504,265.

Krespan et al, U.S. Patent No. 5,504,265, discloses a saturated linear polyfluorohydrocarbon for use in cleaning compositions (see abstract). It is further taught by Krespan et al that suitable polyfluorohydrocarbons include those listed in col. 3, lines 20-67, and that the polyfluorohydrocarbons contain olefins and metal complexes (see col. 7, line 56-col. 8, line 5), per the requirements of the instant invention. Therefore, instant claims 1-4, 35-40 and 71-72 are anticipated by Krespan et al, U.S. Patent No. 5,504,265.

Claims 6-7, 9-10, 12-18, 20-22, 25-34, 42-43, 45-46, 48-54, 56-58, 61-70, 73-74, 76-77, 79-80, 82-84 and 87-96 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the specific aqueous R_f -film forming foam formulations compositions required in claims 6-7, 9-10, 12-18, 20-22, 25-34, 42-43, 45-46, 48-54, 56-58, 61-70, 73-74, 76-77, 79-80, 82-84 and 87-96.

Claims 1-96 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V.1. Reasoned Statements:

The opinion as to Novelty was positive (Yes) with respect to claims 6-7, 9-10, 12-18, 20-22, 25-34, 42-43, 45-46, 48-54, 56-58, 61-70, 73-74, 76-77, 79-80, 82-84, 87-96

The opinion as to Novelty was negative (No) with respect to claims 1-5, 8, 11, 19, 23-24, 35-41, 44, 47, 55, 59-60, 71-72, 75, 78, 81, 85-86

The opinion as to Inventive Step was positive (Yes) with respect to claims 6-7, 9-10, 12-18, 20-22, 25-34, 42-43, 45-46, 48-54, 56-58, 61-70, 73-74, 76-77, 79-80, 82-84, 87-96

The opinion as to Inventive Step was negative (NO) with respect to claims 1-5, 8, 11, 19, 23-24, 35-41, 44, 47, 55, 59-60, 71-72, 75, 78, 81, 85-86

The opinion as to Industrial Applicability was positive (YES) with respect to claims 1-96

The opinion as to Industrial Applicability was negative (NO) with respect to claims NONE

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AP20 Rec'd PCT/PTO 26 JUL 2006

PATENT COOPERATION TREATY

INTERNATIONAL APPLICATION SERIAL NO.PCT/US05/03433
FILING DATE28 January 2005 (28.01.2005)
APPLICANTSPCBU Services, Inc.
AGENT'S FILE REFERENCEPC3-157
TITLE: Production Processes and Systems, Compositions, Surfactants, Monomer Units,
Metal Complexes, Phosphate Esters, Glycols, Aqueous Film Forming Foams and Foam
Stabilizers

LETTER REGARDING AMENDED REQUEST

To: Brigitte WYSS
The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

By Facsimile: 011 41 22 338 70 80

From: HYTA, Robert C.
Wells, St. John, P.S.
601 W. First Ave., Suite 1300
Spokane, WA 99204-3828
(509) 624-4276; FAX: (509) 838-3424

EVIDENCE

REMARKS

Applicant submits herewith replacement sheets 1, 2, 3, 5, 6, 7 and 8 of the originally filed Request. Sheet 1 has been amended to correct Inventor Boggs' address, to correct Applicant designations, and to amend Agent's fax number. Sheet 2 has been amended to correct Applicant designations. Sheet 3 has been amended to correct Applicant designations and to correct Inventors Jackson and Norman's addresses. Sheet 5 has been amended to include date of assignment, correct Inventors Jackson and Norman's addresses and to amend wording to meet the prescribed wording. Sheet 6 has been amended to incorporate date of assignments and to amend wording to meet the prescribed wording. Sheet 7 has been amended to include Inventor Boggs' signature and date. Sheet 8 has been amended as sheets 8a-d to include inventors' signatures and dates.

Please replace sheets 1, 2, 3, 5, 6, 7 and 8 of the original Request with the enclosed replacement sheets.

Applicant further submits replacement sheets 68-73, 91 and 106 of the originally filed specification. Sheets 68-73 and 106 have been amended for clerical purposes. Sheet 91 has been amended to correct an error in a depicted compound.

Please replace sheets 68-73, 91 and 106 of the originally filed specification with the enclosed replacement sheets.

Respectfully Submitted,

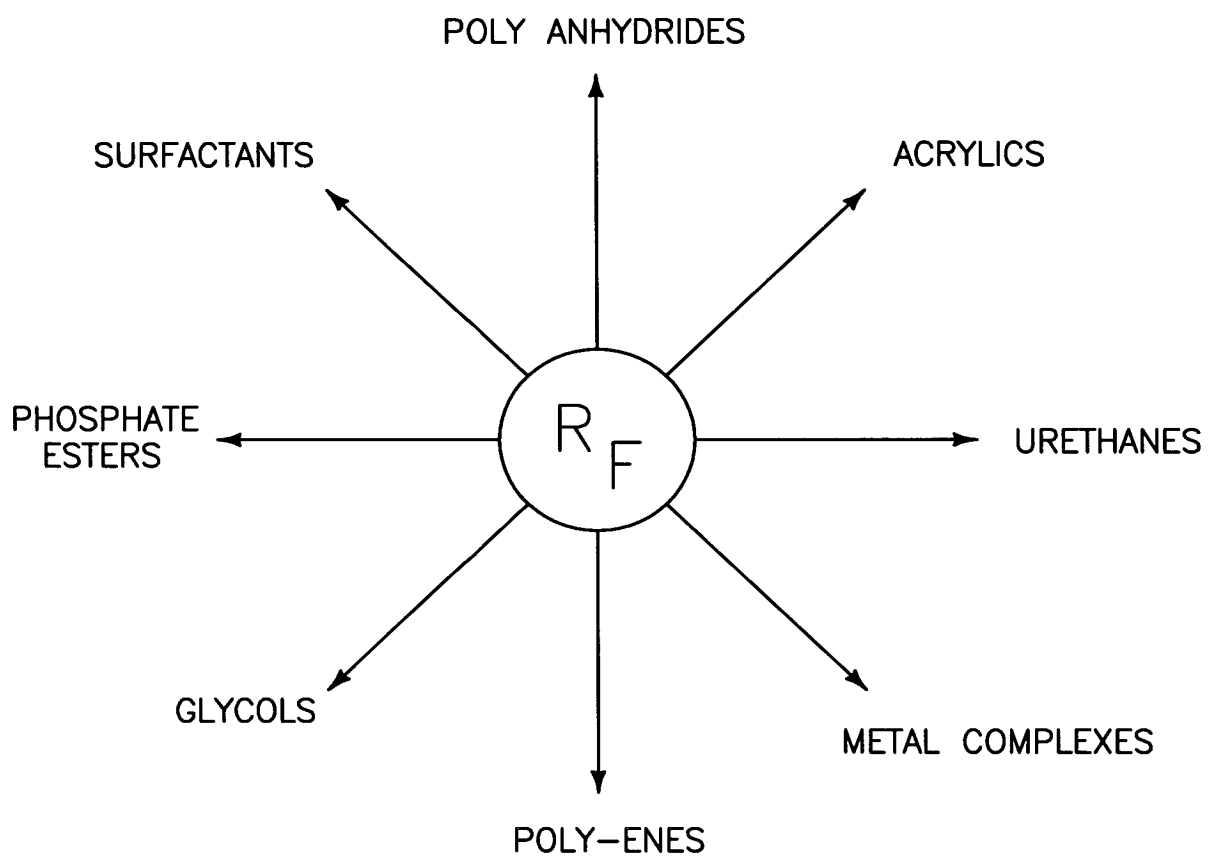
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By:

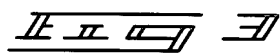
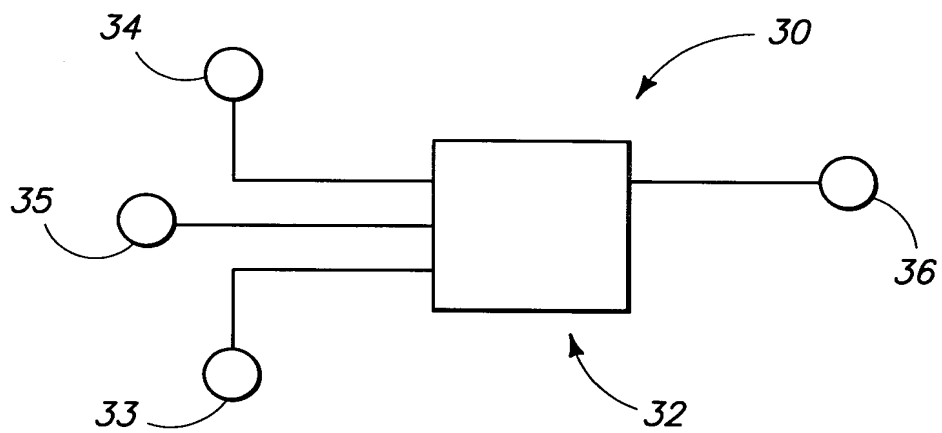
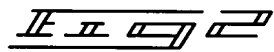
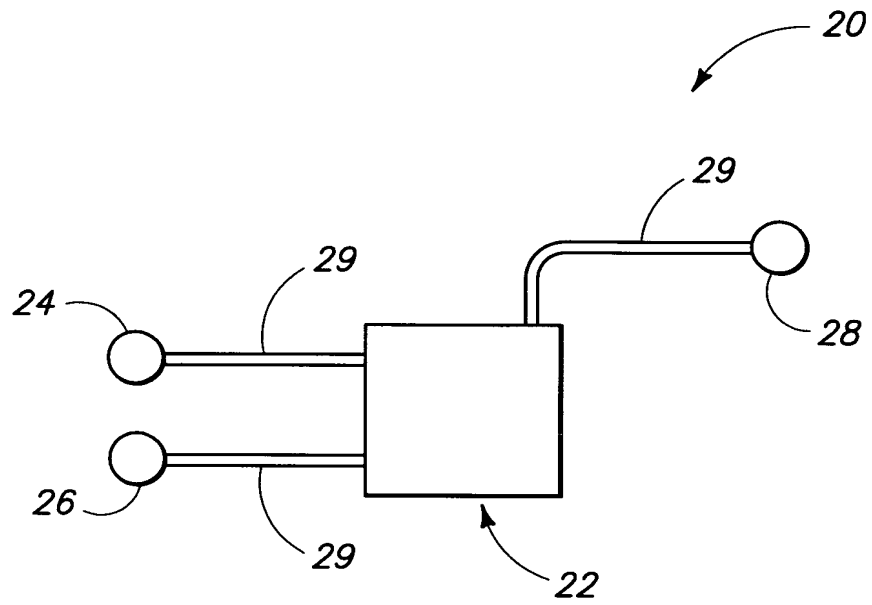


HYTA, Robert C.
Reg. No.: 46,791

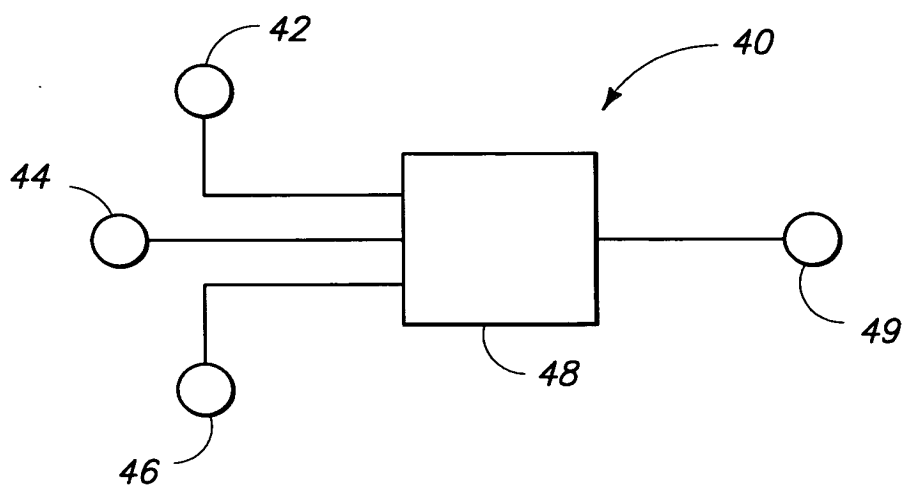
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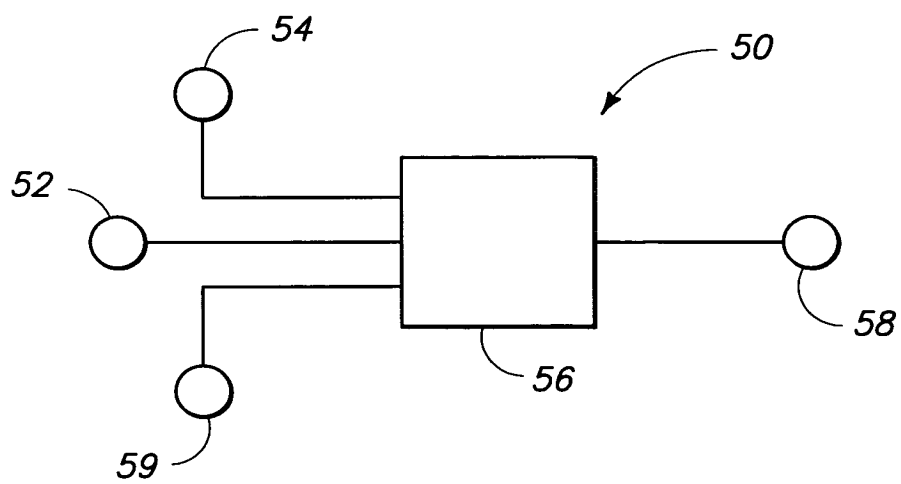
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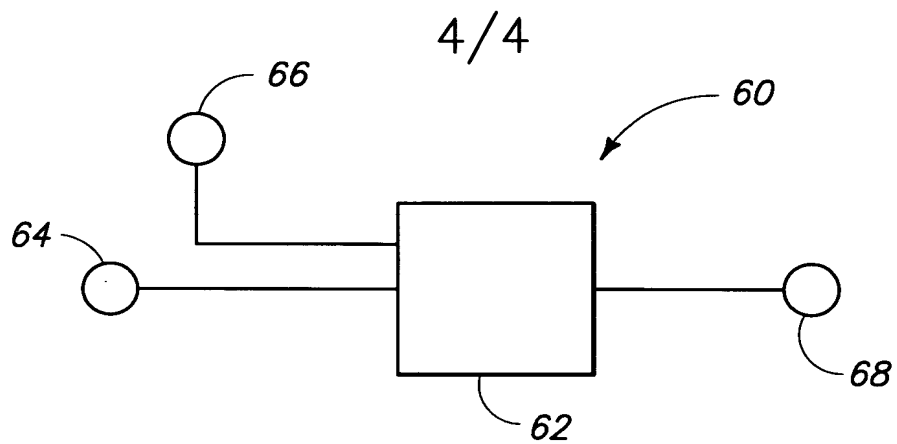
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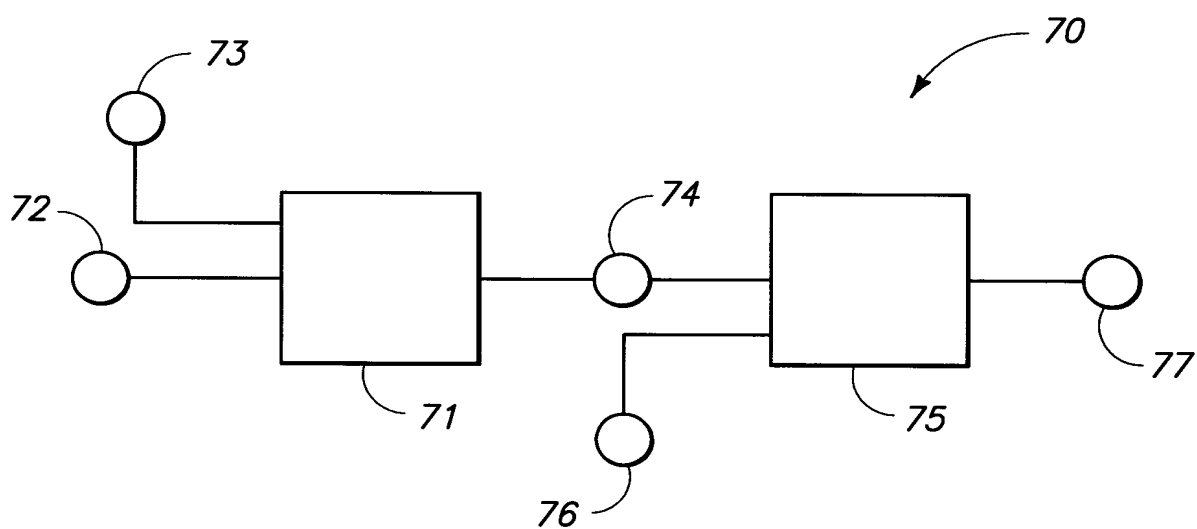
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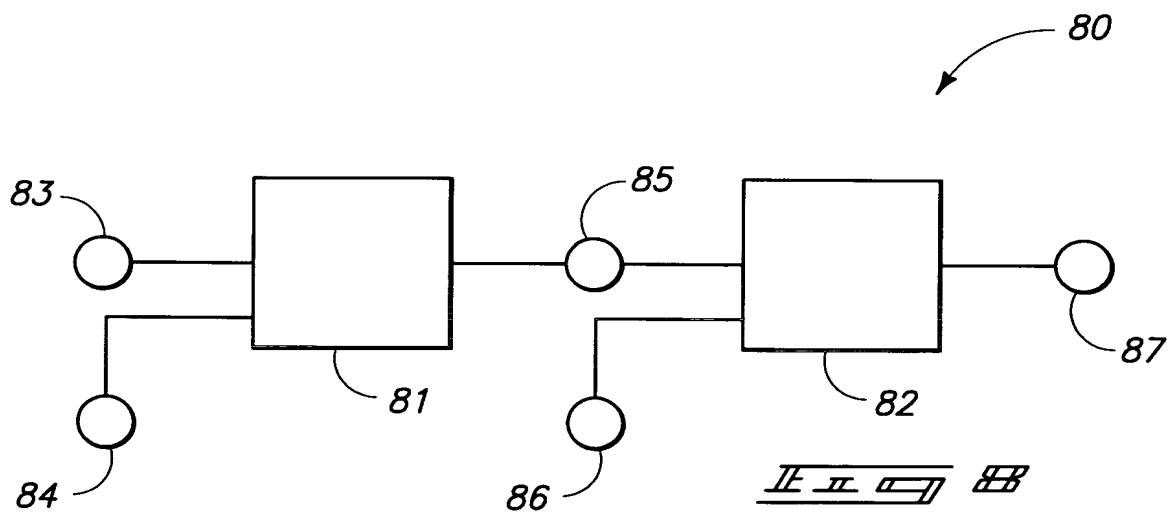
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